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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,855	07/01/2005	Minoru Yamamoto	122383	5238
25944	7590	10/11/2007	EXAMINER	
OLIFF & BERRIDGE, PLC			MCCLAIN, GERALD	
P.O. BOX 19928			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22320			3653	
			MAIL DATE	DELIVERY MODE
			10/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/522,855

Applicant(s)

YAMAMOTO ET AL.

Examiner

Gerald W. McClain

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 23 May 2007
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Objections

Claims 1, 16, and 17 are objected to because of the following informalities: in line 11, "having" should be "has". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 recites the limitation "perforated line" in the last line. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

Claims 1 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujiwara (US 2003/0164317 A1).

Claims 1 and 16: package member (1); sheet package (1); printer (30); side part (paragraph [0012]); portion (see Fig. 1-4); front edge (around 13); rear edge (around 3); projecting part (34 and 36); sheet storage unit (37). (Note: the projecting part is not claimed to move.)

Claim Rejections - 35 USC § 103

Claims 1-5, 9, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moser (US 4,494,746) in view of Fujiwara. Moser discloses:

Claims 1 and 16: package member (1); sheet package (1); printer (abstract; a copying machine *inherently* has a printer element); side part (1 along which 6 is part); edge (6); sheet storage unit (7); projecting part (3);

Claims 2 and 3: package member (1); perforated line (See Fig. 5 below, line A); side part into two parts (8 and 10 sections);

Claim 4: projecting part (3); sheet storage unit (7); pressing member (3);

Claim 5: pressing member (3); concave part (17 and 18; Note: the part detail is not shown. However, any cut is *inherently* concave at some point on its profile.); side wall of the sheet storage unit (7); side part (8 and 10); pushing member (4 and 11);

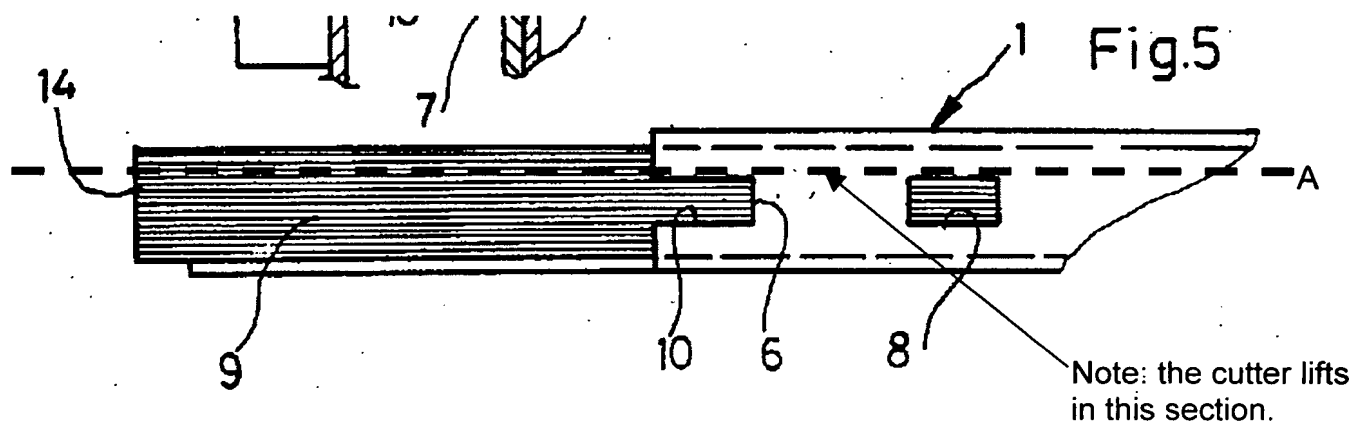
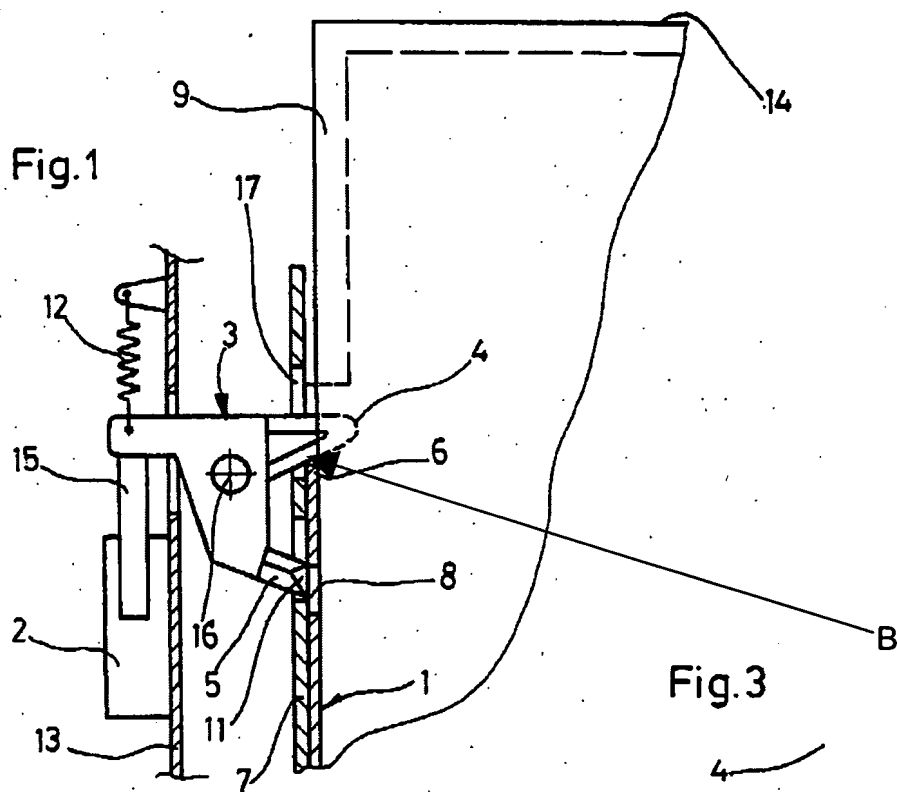
Claim 9: projecting part (3); level difference (See Fig. 1 below, B level; Note: B is "formed in" 7 since B passes through 7.); side wall of the sheet storage unit (7); side part (1 along which 6 is part);

Claim 15: sheet package (1); paper (column 3, lines 5-6; Note: cardboard contains paper).

Moser does *not directly* show the side part at a first and second position.

Fujiwara shows a similar device having the side part at a first and second position (2) for the purpose of reliably picking up sheets one at a time right up to the final sheet (paragraph [0007]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Moser as taught by

Fujiwara and include Fujiwara's similar device having the side part at a first and second position for the purpose of reliably picking up sheets one at a time right up to the final sheet.



Claims 1-4, 9, and 13-17, as understood by the Examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki, et al. (US 2002/0056961 A1) ("Sasaki") in view of Fujiwara. Sasaki discloses:

Claims 1 and 16-17: package member (10); sheet package (10); printer (abstract); side part (23 and 25); edge (23 and 25; See FIG. 6 below, note that the front sections are identified in regions.); sheet storage unit (40); projecting part (55); (Note: at *least one of the sides* of the sheets is capable of being in flush contact with the projecting member, especially as the user places the package into the storage unit.)

Claims 2 and 3: package member (10); perforated line (23 and 25, Note: 23 and 25 were are *capable of* being provided with perforated lines to cut them); side part into two parts (23 and 25);

Claim 4: projecting part (55); sheet storage unit (40); pressing member (55; Note: every action has an equal and opposite reaction. Therefore, 55 presses the stack of sheets when they press 55.);

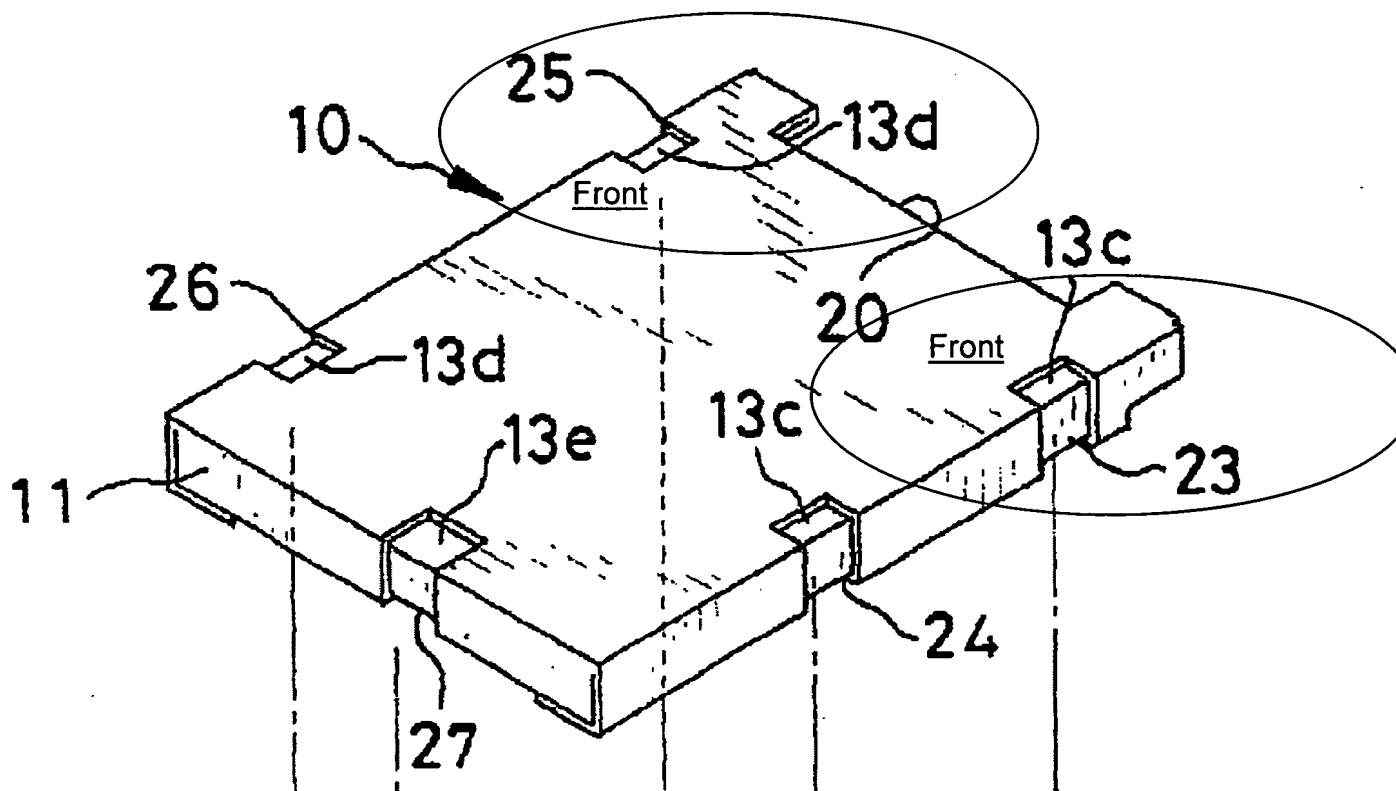
Claim 9: projecting part (55); level difference (See FIG. 6, 50 and 52); side wall of the sheet storage unit (55 at 40); side part (23 and 25);

Claim 13: sheet package (10); single sheet-like member (paragraph [0069]);

Claim 14: sheet package (10); fold-back part (11h);

Claim 15: sheet package (10); paper (paragraph [0069]).

Sasaki does *not directly* show the side part at a first and second position.



Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moser in view of Fujiwara and further in view of Ishiduka, et al. (US 6,217,019) ("Ishiduka"). Moser discloses all the limitations of the claims as discussed above. Moser does not directly show a sensor provided to the sheet storage unit, or a difference between a length of the side part in the sheet feed direction after the removal of the one of the two parts at the perforated line and a distance from the pressing member to a rear wall of the sheet storage unit in the sheet feed direction is smaller than a maximum permissible displacement of the mark for the sensor wherein the mark indicates the type of the stack of sheets.

Ishiduka shows a similar device having a sensor provided to the sheet storage unit, or a difference between a length of the side part in the sheet feed direction after the removal of the one of the two parts at the perforated line and a distance from the pressing member to a rear wall of the sheet storage unit in the sheet feed direction is smaller than a maximum permissible displacement of the mark for the sensor wherein the mark indicates the type of the stack of sheets (column 6, lines 17-32; FIG. 1 and 3A) for the purpose of allowing the printer to read the paper information from the mark (column 6, lines 22-23). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Moser as taught by Ishiduka and include Ishiduka's similar device having a sensor provided to the sheet storage unit, or a difference between a length of the side part in the sheet feed direction after the removal of the one of the two parts at the perforated line and a distance from the pressing member to a rear wall of the sheet storage unit in the sheet feed direction is

smaller than a maximum permissible displacement of the mark for the sensor wherein the mark indicates the type of the stack of sheets for the purpose of allowing the printer to read the paper information from the mark.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki in view of Fujiwara and further in view of Ishiduka. Sasaki discloses all the limitations of the claims as discussed above. Sasaki does not directly show a sensor provided to the sheet storage unit, or a difference between a length of the side part in the sheet feed direction after the removal of the one of the two parts at the perforated line and a distance from the pressing member to a rear wall of the sheet storage unit in the sheet feed direction is smaller than a maximum permissible displacement of the mark for the sensor wherein the mark indicates the type of the stack of sheets.

Ishiduka shows a similar device having a sensor provided to the sheet storage unit, or a difference between a length of the side part in the sheet feed direction after the removal of the one of the two parts at the perforated line and a distance from the pressing member to a rear wall of the sheet storage unit in the sheet feed direction is smaller than a maximum permissible displacement of the mark for the sensor wherein the mark indicates the type of the stack of sheets (column 6, lines 17-32; FIG. 1 and 3A) for the purpose of allowing the printer to read the paper information from the mark (column 6, lines 22-23). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Sasaki as taught by Ishiduka and include Ishiduka's similar device having a sensor provided to the sheet storage unit,

Art Unit: 3653

or a difference between a length of the side part in the sheet feed direction after the removal of the one of the two parts at the perforated line and a distance from the pressing member to a rear wall of the sheet storage unit in the sheet feed direction is smaller than a maximum permissible displacement of the mark for the sensor wherein the mark indicates the type of the stack of sheets for the purpose of allowing the printer to read the paper information from the mark.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moser in view of Fujiwara and further in view of Ishiduka. Moser discloses all the limitations of the claims as discussed above. Moser does not directly show a package member provided with a mark which can be read by a sensor provided to the sheet storage unit, or a length of the side part in the sheet feed direction after the removal of the one of the two parts at the perforated line that is substantially equal to a distance from the level difference to a rear wall of the sheet storage unit in the sheet feed direction.

Ishiduka shows a similar device having a package member provided with a mark which can be read by a sensor provided to the sheet storage unit, and a length of the side part in the sheet feed direction after the removal of the one of the two parts at the perforated line that is substantially equal to a distance from the level difference to a rear wall of the sheet storage unit in the sheet feed direction (column 6, lines 17-32; FIG. 1 and 3A) for the purpose of allowing the printer to read the paper information from the mark (column 6, lines 22-23). Therefore, it would have been obvious to a person having

Art Unit: 3653

ordinary skill in the art at the time the invention to modify Moser as taught by Ishiduka and include Ishiduka's similar device having a package member provided with a mark which can be read by a sensor provided to the sheet storage unit, and a length of the side part in the sheet feed direction after the removal of the one of the two parts at the perforated line that is substantially equal to a distance from the level difference to a rear wall of the sheet storage unit in the sheet feed direction for the purpose of allowing the printer to read the paper information from the mark.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki in view of Fujiwara and further in view of Ishiduka. Sasaki discloses all the limitations of the claims as discussed above. Sasaki does not directly show a package member provided with a mark which can be read by a sensor provided to the sheet storage unit, or a length of the side part in the sheet feed direction after the removal of the one of the two parts at the perforated line that is substantially equal to a distance from the level difference to a rear wall of the sheet storage unit in the sheet feed direction.

Ishiduka shows a similar device having a package member provided with a mark which can be read by a sensor provided to the sheet storage unit, and a length of the side part in the sheet feed direction after the removal of the one of the two parts at the perforated line that is substantially equal to a distance from the level difference to a rear wall of the sheet storage unit in the sheet feed direction (column 6, lines 17-32; FIG. 1 and 3A) for

Art Unit: 3653

the purpose of allowing the printer to read the paper information from the mark (column 6, lines 22-23). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Sasaki as taught by Ishiduka and include Ishiduka's similar device having a package member provided with a mark which can be read by a sensor provided to the sheet storage unit, and a length of the side part in the sheet feed direction after the removal of the one of the two parts at the perforated line that is substantially equal to a distance from the level difference to a rear wall of the sheet storage unit in the sheet feed direction for the purpose of allowing the printer to read the paper information from the mark.

Response to Arguments

Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald W. McClain whose telephone number is (571) 272-7803. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Art Unit: 3653

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gerald W. McClain
Examiner
Art Unit 3653



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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600